

INTERNATIONAL FEDERATION OF COMMERCIAL
ARBITRATION INSTITUTIONS
Vth GENERAL ASSEMBLY
CAIRO, EGYPT - FEBRUARY 21, 1992

MINUTES

The Vth General Assembly of the International Federation of Commercial Arbitration Institutions was held at the Cairo Sheraton Hotel in Cairo, Egypt on February 21, 1992 following the Federation's First Congress which was hosted by the Cairo Regional Centre for International Commercial Arbitration. The membership of the Federation now numbers 79 and the following members were represented at the Assembly:

- * American Arbitration Association
 - Mr. Robert Coulson
- * Arab Association For International Arbitration
 - Dr. Abdul Hamid El-Ahdab and Prof. Borham Atallah
- * Arbitral Center of the Austrian Federal Economic Chamber
 - Mr. Werner Melis
- * Arbitration Institute of the Stockholm Chamber of Commerce
 - Mr. Ulf Franke
- * Association Tunisienne d'Arbitrage
 - Mr. M. Habib Malouche
- * British Academy of Experts
 - Mr. Michael Cohen
- * British Columbia International Commercial Arbitration Centre
 - Mr. Derril T. Warren
- * Cairo Regional Centre for International Commercial Arbitration
 - Dr. M.I.M. Aboul-Enein
- * Canadian Arbitration, Conciliation and Amicable Composition Centre
 - Prof. Paul J. Davidson
- * Chamber of National and International Arbitration of Milan
 - Dr. Stefano Azzali and Dr. Alessandra Pagliano
- * Chambre Arbitrale Maritime de Monaco
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* Court of Arbitration Attached to the Hungarian Chamber of Commerce

- Dr. Eva Horvath

* Court of Arbitration at the Polish Chamber of Commerce

- Dr. habil. Tadeusz Szurski.

* German Arbitration Institute

- Dr. Ottoarndt Glossner

* Greek Arbitration Association

- Dr. Anghelos C. Foustoucos

* Hong Kong International Arbitration Centre

- Mr. Peter Caldwell

* Inter American Commercial Arbitration Commission - Chile

- Prof. Rafael Eyzaguirre

* International Commercial Arbitration Court - Bucharest Romania

- Dr. Victor Babiuc and Dr. Grigore Florescu

* London Court of International Arbitration

- Mr. Bert Vigrass

* Mediterranean Maritime Arbitration Association

- Mr. Mario Riccomagno

* Quebec National and International Commercial Arbitration Centre

- Dr. Nabil Antaki

* Tokyo Maritime Arbitration Commission of the Japan Shipping Exchange, Inc.

- Mr. Kenji Tashiro

* Tribunal Arbitral de Barcelona

- Dr. Antonio de P. Escura

Observers were also present from:

* International Court of Arbitration, I.C.C.

- Mr. Paul A. Gelinas

* Permanent Court of Arbitration at the Hague

- Mr. Pieter J.H. Jonkman

Agenda Item No.1: Welcome and Introduction-

The meeting was opened at 2:10 p.m. by Mr. Michael F. Hoellering the President of the Federation. Professor Paul J. Davidson, Secretary-Treasurer of the Federation, acted as secretary.

Mr. Hoellering thanked the Cairo Regional Centre for International Commercial Arbitration and particularly Dr. M.I.M. Aboul-Enein, the Director, for their hospitality in hosting the meeting.

Mr. Hoellering then welcomed all those that were present and asked everyone to introduce themselves and to indicate the institution that they represented.

The proposed agenda for the meeting was then presented by Mr. Hoellering. Dr. Ottoarndt Glossner moved that the proposed agenda be adopted and the meeting was in unanimous agreement to adopt the agenda as presented.

Agenda Item No.2: Adoption of Minutes of IVth Assembly-

It was moved by Mr. Derril T. Warren, seconded by Mr. Peter S. Caldwell that the Minutes of the IVth Assembly of the IFCAI held in Stockholm on June 1, 1990 be adopted. Carried unanimously.

Agenda Item No.3: President's Report-

Mr. Hoellering reported that the Federation's membership now numbered 79. He indicated the following new members that had recently joined the Federation:

Arbitral Center of Austrian
Federal Economic Chamber
(Werner Melis)

Fundacion Argentina de
Arbitraje Y Conciliation
(Jose Carlos Arcagni)

The Quebec National and International
Commercial Arbitration Centre
(Nabil N. Antaki)

Chamber of National and International
Arbitration of Milan
(Stefano Azzali)

Arbitration Court at the
Hungarian Chamber of Commerce
(Eva Horvath)

Arbitration Institute of the
Stockholm Chamber of Commerce
(Ulf Franke)

Hong Kong International Arbitration Centre
(Peter S. Caldwell)

Singapore International Arbitration Centre
(Lawrence Boo)

Arab Association for International Arbitration
(Abdul Hamid-El-Ahdab)

Centro Privado de Dictamen
Conciliation Y Arbitraje - Guatemala
(Rodolfo Rohrmoser)

Romanian International Arbitration Commission
(Dr. Victor Babiuc)

Tribunal Arbitral de Barcelona
(Dr. Antonio de Escoura)

Mr. Hoellering next reported that two issues of the Federation Newsletter had been prepared and distributed. He asked that members inform him if they were not receiving the Newsletter and also asked members to provide information for inclusion in future editions of the Newsletter.

Mr. Hoellering reported on the organization of the Federation's first conference and again thanked Dr. M.I.M. Aboul-Enein and his staff for their assistance and support. The Cairo Centre had agreed to assume all organizational as well as financial responsibility for the conference so the Federation would not need to be concerned with any possible loss. It was also agreed that while any profit from the conference would go to the Cairo Centre, the Federation would receive a 10% royalty on admission fees.

Mr. Hoellering then noted that at the last meeting of the Federation it had been agreed to establish a review committee to prepare a discussion paper on the future development of the Federation. Mr. A.A. de Fina volunteered to chair this committee and prepared a draft of a detailed new constitution for the Federation which was circulated to all members on the executive of the Federation. Mr. Hoellering expressed the appreciation of the members for all the work put into this project by Mr. de Fina. However, it was thought that the draft constitution went somewhat beyond the mandate of the review committee although it did raise a number of important issues and serves as a good reference point for future discussions.

Agenda Item No.5: Proposed New Federation Committee Structure-

Mr. Hoellering referred the Assembly to the discussion paper prepared by Mr. B.W. Vigrass entitled, "Thoughts on the future

development of IFCAI". He thanked Mr. Vigrass for preparing this paper and asked him to summarize and explain his proposal.

Mr. Vigrass commented on his discussion paper and explained the organizational structure set out therein. In order to avoid any question of ranking or importance of the proposed sections, he proposed removing the reference to Sections A, B, and C, and renaming the "General Section" in his proposal the "Specialist Section", and the Affiliate Section in his proposal the "General Section". The three sections would have membership criteria objectives and obligations as set out in Appendices I, II and III of his paper and be managed as set out therein.

After full discussion it was agreed that the proposal be adopted and that three sections be created within the framework of the Federation (Moved by Derril T. Warren, seconded by Dr. M.I.M. Aboul-Enein - eight for, none opposed). These sections are as follows:

1. Institutional Section: for non-profit making bodies directly involved in institutional arbitration, with a prime function of providing day-to-day administrative support and assistance to commercial arbitration or other forms of alternative dispute resolution, employing permanent staff and relying on this work as an important source of income.

Through membership of this section, members will establish and maintain a day-to-day working relationship with other members of the Section in matters related to the administration of domestic and international commercial arbitration for the purpose of mutual assistance and the exchange of ideas, information and experience.

2. Specialist Section: for bodies involved in commercial arbitration or other forms of alternative dispute resolution but whose primary role is in another field, also arbitral bodies not involved in arbitration administration on a day-to-day basis.

The objective of membership in this Section will be to provide and to be provided with up-to-date information about the development of domestic and international arbitration and alternative dispute resolution worldwide, and to exchange ideas, information and experience with like bodies.

3. General Section: for organizations with an interest in commercial arbitration or other forms of alternative dispute resolution, but with no direct or active involvement.

The objective of membership in this Section will be to provide and to be provided with access to information about commercial arbitration (domestic and international) worldwide and alternative methods of dispute resolution.

It is proposed that each Section would elect officers including a Chair who would be (ex officio) a member of the main IFCAI Council.

Agenda Item No.6: Proposed New Federation Constitution-

Mr. Hoellering again referred to the draft constitution prepared by Mr. A.A. de Fina and opened the question of a new constitution for discussion.

Mr. Michael Cohen commented that he thought a new constitution was needed but that there were some difficulties with the de Fina proposal. However, he thought it provided a useful discussion document for consideration in drafting a new constitution.

Mr. Derril T. Warren commented that any new constitution should incorporate the Vigrass proposal for Federation sections outlined above. He moved that a new committee be struck to draft a new constitution, seconded by Mr. Michael Cohen. Carried.

Agenda Item No.4: Secretary Treasurer's Report-

Professor Paul J. Davidson reported that as of December 31, 1991, the Federation had a balance of US\$471.58. This was comprised of five donations of \$100 each from five member organizations plus interest of \$18.58, less \$47.00 in currency conversion and wire charges. He asked members to try to avoid the latter charges if possible in making payments to the Federation.

Mr. Hoellering noted that the American Arbitration Association had financed the preparation and mailing of the Federation Newsletter and administrative costs.

Mr. Hoellering then raised the question of membership fees. After discussion it was unanimously agreed that there should be one uniform fee for all members and that for the present this should be set at US\$100 per annum.

Point of Order:

Dr. T. Szurski raised an objection to the adoption of the Vigrass proposal for implementation, particularly as regards the obligations of the institutions as set out therein. He moved that the motion be reconsidered. There was no seconder and the motion was therefore not carried.

Agenda Item No.8: Cooperative Relationship with ICCA-

Mr. Hoellering informed the meeting that discussions had taken place with an ad hoc committee of ICCA and that a draft Mutual

Cooperation Agreement had been prepared with a view to improving cooperation and avoiding duplication of activities. The ICCA ad hoc committee has approved this draft and a mail ballot of ICCA members will be conducted within six months to see if the agreement is acceptable to the ICCA membership. It was moved (Mr. Derril T. Warren) and seconded (Mr. Peter S. Caldwell) that the draft agreement be accepted by the Federation. Approved unanimously by the members of the Federation present at the Assembly.

Agenda Item No.9: Other Business-

1. Mr. Peter Caldwell raised the question of the possibility of having a geographic breakdown of members who could, e.g., hold regional meetings (e.g. Asia Pacific Council on Dispute Settlement). He queried whether there was any interest in forming regional groups which could integrate with the Federation.
2. Mr. Robert Coulson raised the question of a substantive discussion on what the Federation can do to help its members.
3. Mr. Derril T. Warren noted that he thought the present meeting was to establish the Federation with some parameters and to establish a more viable organization. He noted that the last few days of papers and discussion at the conference have served the function of substantive discussion.
4. Mr. Nabil Antaki suggested that one or two topics should be added to the agenda of future annual meetings to deal with the day-to-day problems of members.
5. Mr. Michael Hoellering suggested that a date be set aside for the discussion of institutional problems by members of the Federation. This would be a closed session compared with the conference structure which is open to a wider audience.
6. Ms. Eva Horvath agreed with this proposal for a Federation discussion of issues such as costs, etc. As regards the constitution and structure of the Federation she noted her concerns and fears of having an over complicated structure.
7. Mr. Michael Hoellering noted that Mr. M.I.M. Aboul-Enein has volunteered to host the next conference of the Federation. However, he asked whether it should be the policy or whether it is possible to rotate the location of sessions.
8. Mr. B.W. Vigrass raised the question of having open sessions next time. He thought they were of value and should be continued. But, he also would like to have sessions with

members only to discuss institutional issues. (There was consensus on this by the members present.)

9. Dr. T. Szurski noted that he had prepared a paper on rules to be sponsored by the Federation for adoption by members. He proposed that there should be a discussion and review of this question. Mr. Robert Coulson agreed that there should be efficient international commercial arbitration and that the question of procedures should be thought through. Mr. Werner Melis raised the question of the proliferation of rules and queried whether another set of rules is needed. He would prefer a motion to suggest adoption of the UNCITRAL rules by new and established members. Ms. Eva Horvath was also skeptical as to whether new rules were needed. She suggested the use of the UNCITRAL Rules and the Model Law. Dr. Anghelos C. Foustoucos noted that he doesn't think that the Model Law and the UNCITRAL Rules necessarily go together. Mr. Robert Coulson noted that the UNCITRAL Rules were good in a number of ways, but they don't encourage parties to use administered arbitration. He suggested to use the best part of UNCITRAL Rules and to write in administrative rules.
10. Mr. Ulf Franke suggested that we reconvene in Bahrein next year with ICCA.

Agenda Item No.7: Membership of Federation Council:

There was a vacancy on the board as Mr. Michael Weir was no longer involved with the Federation. This vacancy was filled by the unanimous appointment of Mr. Ulf Franke, Director of the Arbitration Institute of Stockholm Chamber of Commerce.

The Federation Officers are now as follows:

President:

-Michael F. Hoellering, General Counsel, American Arbitration Association Honorary Vice-President:

-Robert Coulson, President, American Arbitration Association

Vice-Presidents:

-Dr. M.I.M. Aboul-Enein, Director, Cairo Regional Centre for International Commercial Arbitration

-Prof. Rafael Eyzaguirre, President, Inter-American Commercial Arbitration Association

-A.A. de Fina, President, Australian Centre for International Commercial Arbitration

-Dr. Ottoarndt Glossner, President, German Arbitration Institute and Chairman, International Chamber of Commerce Commission on International Arbitration

-Hiroshi Hattori, Director, the Japan Commercial Arbitration Association

-Phaik Gan Lim, Director, Kuala Lumpur Regional Centre for International Commercial Arbitration

-Dr. habil. Tadeusz Szurski, President, Court of Arbitration at the Polish Chamber of Commerce

-Bert W. Vigrass, Director and Registrar, London Court of International Arbitration Secretary-Treasurer:

-Prof. Paul J. Davidson, President, Canadian Arbitration, Conciliation and Amicable Composition Centre, Inc. Councillors:

-Michael Cohen, Chairman, British Academy of Experts

-Prof. Emmanuel Pontavice, President, Chambre Arbitrale Maritime, Paris

-Derril T. Warren, Q.C., Executive Director, British Columbia International Commercial Arbitration Centre

-Ulf Franke, Director, the Arbitration Institute of Stockholm Chamber of Commerce

There being no further business, the meeting was adjourned at
4:05
p.m.